Remarks

Applicant respectfully requests reconsideration of this application as amended. Claim 22 has been amended. No claims have been cancelled. Therefore, claims 1-23 are presented for examination.

The present claims stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 4-10, 16-22 and 30-36 of co-pending Application No. 10/028,467. Applicant submits that a terminal disclaimer in compliance with 37 CFR 1.321(c) will be filed upon resolution of the prior art rejections.

Claims 1-4 and 7-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Souissi et al. (U.S. Patent No. 6,785,556) in view of Liao et al. (U.S. Patent No. 6,292,833). Applicant submits that the present claims are patentable over Souissi in view of Liao.

Souissi discloses a software configurable wireless modem that can be configured using software downloaded by a host computer. A user can select a preferred mode of operation, or mode selection can be done automatically based upon whether one or more predetermined criterion, such as a location of the modem, are met. See Souissi at Abstract. However, Souissi does not disclose or suggest a process of certifying a software radio application. In fact, the Office Action admits that Souissi does not disclose certifying a software radio. See Office Action at paragraph 5. Instead, the Office Action asserts that Liao discloses such a feature. Id.

Liao discloses mobile device message processing performed by a mobile device. The processing begins by determining whether a message has been received from a network. If a message has been received from a network, it is determined whether the message requests local service access. If it is determined that the message does request access to the local services of the mobile device, a service identity for the message is obtained. Once the service identity is obtained, the service identity for the message is compared with authorized

service identities. Next, it is determined whether a match has been found based upon the comparison of the service identity for the message with the authorized service identities. If it is determined that a match has not been found, the message is denied access to the local services of the mobile device. On the other hand, if a match has been found, then the message (i.e., executable code) is executed and thus able to access the local services of the mobile device. The execution of the message is thus permitted to access the local services of the mobile device. See Liao at col. 6, ll. 22 – col. 7, ll. 54.

Claim 1 of the present application recites certifying a first software-defined radio for operation if a first ID matches a second ID. Applicant submits that Liao does not disclose or suggest the implementation of a software-defined radio. Liao simply discloses a mobile device. Applicant submits that a mobile device is not necessarily a software-defined radio. Further, Liao discloses comparing a received service identity and an authorized service identity and authorizing access of local services at the device if there is a match. Applicant submits that authorizing access to local services at a device is not equivalent to certification of a software-defined radio.

Since neither Souissi nor Liao disclose or suggest certifying a first software-defined radio for operation if a first ID matches a second ID, any combination of Souissi and Liao would also not disclose or suggest such a feature. As a result, claim 1 is patentable over Souissi in view of Liao. Claims 2-7 depend from claim 1 and include additional features. Thus, claims 2-7 are also patentable over Souissi in view of Liao.

Claim 8 recites a first software-defined radio being certified for operation by authenticating a first identification (ID) received at a baseband unit with a second ID stored at a first analog front end. For the reasons described above with respect to claim 1, claim 8 is also patentable over Souissi in view of Liao. Because claims 9-16 depend from claim 8 and include additional features, claims 9-16 are also patentable over Souissi in view of Liao.

Claim 17 recites a server computer, coupled to a transmission medium, that transmits first identification (ID) data to a first client computer upon receiving a request from the client

computer to certify a first software-defined radio implemented at the first client computer.
Thus, for the reasons described above with respect to claim 1, claim 17 is also patentable
over Souissi in view of Liao. Since claims 18 and 19 depend from claim 17 and include
additional features, claims 18 and 19 are also patentable over Souissi in view of Liao.

Claim 20 recites receiving a request at a server computer to certify a first software-
defined radio implemented at a first client computer and transmitting first identification (ID)
data corresponding to the first software-defined radio to the first client computer. Applicant
submits that nowhere in Souissi or Liao is there disclosed or suggested a server computer
receiving a request to certify a first software-defined radio implemented at a first client
computer and transmitting first identification (ID) data corresponding to the first software-
defined radio to the first client computer. Consequently, claim 20 is patentable over Souissi
in view of Liao. Since claims 21-23 depend from claim 20 and include additional features,
claims 21-23 are also patentable over Souissi in view of Liao.

Claims 5-6 stand rejected under 5 U.S.C. §103(a) as being unpatentable over Souissi
in view of Liao as applied in claim 1 above, and further in view of Paulsen et al. (U.S. Patent
No. 6,055,575). Applicant submits that the present claims are patentable over Souissi and
Liao even in view of Paulsen.

Paulsen discloses a system and method for remote users to access a private network
having a first communications protocol via a public network in a secure manner so that the
remote user appears to be connected directly to the private network and appears to be a node
on that private network. A host connected to the private network may execute a host
software application which establishes and provides a communications path for secure access
of the remote client computer. An encrypted data stream may be communicated between the
host and the client representing traffic and commands on the network. See Paulsen at
Abstract.

Nevertheless, Paulsen does not disclose a process of certifying a software-defined
radio. As discussed above, neither Souissi nor Liao disclose or suggest certifying a first

software-defined radio for operation. Since Souissi, Liao and Paulsen individually do not disclose or suggest certifying a first software-defined radio for operation, any combination of Souissi, Liao and Paulsen also would not disclose or suggest such a feature. Consequently, the present claims are patentable over Souissi and Liao in view of Paulsen.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Mark L. Watson
Reg. No. 46,322

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980